

MUNICIPAL CLERK
ATLANTA, GEORGIA

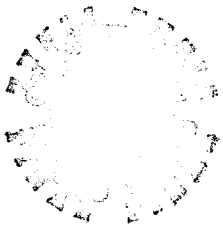
04-*R*-0927

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF CHRISTOPHER MICHAEL SMITH v. OFFICER MAURICE PHELPS, THE CITY OF ATLANTA, AND THE VELVET ROOM, CIVIL ACTION FILE NO.: 1:03-CV-1000-GET, FILED IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00); AND FOR OTHER PURPOSES.

WHEREAS, on April 14, 2003, Christopher Michael Smith initiated the case of CHRISTOPHER MICHAEL SMITH v. OFFICER MAURICE PHELPS, THE CITY OF ATLANTA, AND THE VELVET ROOM, CIVIL ACTION FILE NO.: 1:03-CV-1000-GET, claiming that defendants used excessive force against him in violation of his rights under the Fourth and Fourteenth Amendments of the United States Constitution.

WHEREAS, Officer Maurice Phelps (hereinafter "officer Phelps") began his employment with the City of Atlanta Police Department on May 25, 1993; and



WHEREAS, Officer Phelps worked an approved extra job at the Velvet Room located at 1021 Peachtree Street since January 2002; and

WHEREAS, on March 24, 2002, the Plaintiff and some of his friends were visiting the Velvet Room to celebrate his upcoming wedding; and

WHEREAS, a verbal confrontation ensued between the Plaintiff and another male patron; and

WHEREAS, two Velvet Room bouncers asked Plaintiff to leave the club; and

WHEREAS, once outside, Plaintiff attempted to get the bouncer's attention by touching his arm to explain to him what happened inside the club; and

WHEREAS, the bouncer jerked his arm away from Plaintiff; and

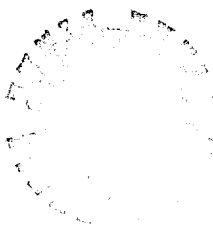
WHEREAS, Plaintiff's arm touched Officer Phelps; and

WHEREAS, Officer Phelps arrested the Plaintiff by grabbing his left arm and using a come along method to take Plaintiff to the ground; and

WHEREAS, Plaintiff landed face down onto the ground; and

WHEREAS, Plaintiff sustained injuries to his nose causing it to deviate toward the right side of his face; and

WHEREAS, Plaintiff was charged with criminal trespass, obstruction, simple battery and disorderly conduct while under the influence; and



WHEREAS, all of the charges against Plaintiff were dismissed; and

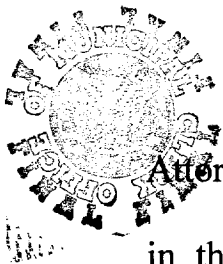
WHEREAS, the Plaintiff, through his attorney, has agreed to settle all claims of Plaintiff against the City of Atlanta and Officer Phelps for the sum of thirty-seven thousand five hundred dollars (\$37,500.00); and

WHEREAS, the City Attorney considers it to be the best interest of the City to resolve this matter and recommend that the above settlement be entered into; and

WHEREAS, by this settlement Defendants City of Atlanta and Officer Phelps admit no liability; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney is hereby authorized to conclude the settlement of all claims against the City of Atlanta and Officer Phelps, as set forth in Civil Action Number 1:03-CV-1000-GET, UNITED STATES DISTRICT COURT, for the aggregate amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00).

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay a total amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) at the direction of the City



Attorney from the account of 1A01529017T31001. Payment shall be made in the form of a check in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00), payable to Plaintiff Christopher Michael Smith and his attorney G. Kevin Morris.

A true copy,

Florida Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUN 07, 2004
JUN 14, 2004

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-17, EXCEPT: 04-R-1017
 04-O-0932 04-O-0933 04-R-0986
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 1
ABSENT 1

E Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
B Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

		6-07-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 04-O-0802 2. 04-O-0803 3. 04-O-0804 4. 04-O-0877 5. 04-O-0930 6. 04-O-0924 7. 04-O-0929 8. 04-O-0787 9. 04-O-0654 10. 04-O-0655 11. 04-O-0817 12. 04-O-0818 13. 04-O-0819 14. 04-O-0820 15. 04-O-0939 16. 04-R-1002 17. 04-R-1003 18. 04-R-1004 19. 04-R-1005 20. 04-R-1010 21. 04-R-1011 22. 04-R-1012 23. 04-R-1015 24. 04-R-0935 25. 04-R-1008 26. 04-R-1000 27. 04-R-1001 28. 04-R-0942 29. 04-R-0927 30. 04-R-0943 31. 04-R-1019 32. 04-R-0635 33. 04-R-0989 34. 04-R-0991 35. 04-R-0993 36. 04-R-0814 37. 04-R-0926 38. 04-R-0994 39. 04-R-0995 40. 04-R-0996 41. 04-R-0997 42. 04-R-0998	43. 04-R-1023 44. 04-R-1024 45. 04-R-1025 46. 04-R-0979 47. 04-R-0980 48. 04-R-0981 49. 04-R-0982 50. 04-R-0983 51. 04-R-0984 52. 04-R-0985 ITEMS ADVERSESED ON CONSENT 53. 04-R-0944 54. 04-R-0945 55. 04-R-0946 56. 04-R-0947 57. 04-R-0948 58. 04-R-0949 59. 04-R-0950 60. 04-R-0951 61. 04-R-0952 62. 04-R-0953 63. 04-R-0954 64. 04-R-0955 65. 04-R-0956 66. 04-R-0957 67. 04-R-0958 68. 04-R-0959 69. 04-R-0960 70. 04-R-0962 71. 04-R-0963 72. 04-R-0964 73. 04-R-0965 74. 04-R-0966 75. 04-R-0967 76. 04-R-0968 77. 04-R-0969 78. 04-R-0970 79. 04-R-0971 80. 04-R-0972 81. 04-R-0973 82. 04-R-0974	83. 04-R-0975 84. 04-R-0976 85. 04-R-0977 86. 04-R-0978

04-R-0927
(Do Not Write Above This Line)

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BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

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Jerry L. DeLoach
Deputy City Attorney

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:
Referred To:

First Reading

Committee Date
Chair
Referred To

Committee

Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Committee

Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members

Members
Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

JUN 07 2004

COUNCIL

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
JUN 07 2004
COUNCIL PRESIDENT PROTOM

CERTIFIED
JUN 07 2004

Richard D. Langham
MUNICIPAL CLERK

MAYOR'S ACTION

MAYOR

APPROVED
JUN 14 2004